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TAGS: [PTER](#) [PHUM](#) [PGOV](#) [KJUS](#) [VE](#)
SUBJECT: AFTERSHOCKS OF VENEZUELAN PROSECUTOR'S KILLING

Classified By: POLITICAL COUNSELOR ABELARDO A. ARIAS FOR REASONS 1.4 (d
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Summary

[1](#)1. (U) At President Hugo Chavez's order, following the killing of prosecutor Danilo Anderson, Venezuela's National Defense Council November 23, began to define a GOV anti-terrorism strategy. Measures will include tighter border and communications security, and bodyguards for GOV officials. The National Assembly has formed a committee to develop an anti-terrorism law, which will certainly address the GOV's partisan goals, and the Supreme Court has designated a group of judges to handle terrorism cases. The Attorney General has reassigned Anderson's nearly 400 cases to several prosecutors. Recent developments in the Anderson case will be covered in septel. End Summary.

CODENA

[1](#)2. (U) Following the killing of prosecutor Danilo Anderson, President Chavez issued a decree November 20 ordering Vice President Jose Vicente Rangel to call a meeting of the National Security Council (CODENA) to coordinate a response. The CODENA is designated in Venezuela's constitution as the highest body for advising the state on national security matters. The CODENA, which includes Rangel, Supreme Court President Ivan Rincon, Attorney General Isaias Rodriguez, Interior and Justice Minister Jesse Chacon, National Assembly Vice President Ricardo Gutierrez, Armed Forces Inspector General Vice Admiral Orlando Maniglia, and its Secretary, Gen. Melvin Lopez Hidalgo, met on November 23. The CODENA called on Chacon and Defense Minister Jorge Luis Garcia Carneiro to reinforce port and airport security and register pre-paid cell phone purchases. The Council also decided that all GOV officials who might be at risk, including prosecutors, judges and high GOV officials, should be given 24 hour protection.

Anti-Terrorism Law

[1](#)3. (U) Following the meeting, the Assembly formed a special anti-terrorism committee to develop anti-terrorism legislation. The committee will work from the draft of the Special Law Against Acts of a Terrorist Nature which includes the creation of a Financial Intelligence Directorate in the Finance Ministry, to avoid the use of the banking system to destabilize the country. (Note: A financial intelligence unit, aimed at controlling money laundering, already exists in the Banking Superintendency, which reports to the Finance Ministry.) The bill would also create a "Terrorist Investigation Division" in the Ministry of Interior and Justice. The bill contemplates the extradition of foreigners implicated in terrorist activities, the use of informants, undercover agents, and the creation of a witness protection program. The GOV would create a victims compensation fund from seized assets.

[1](#)4. (U) Deputy Iris Varela (Movimiento Quinta Republica) announced December 1 that a partial reform of the Penal Code, currently under consideration by the Assembly, would be amended to include anti-terrorism provisions. Deputy Osman Gomez (MVR) told reporters that the special committee would consider the possibility that the anti-terrorism law should include life sentences for the most serious terrorist crimes, though that would require a constitutional amendment. Deputy Nicolas Maduro (MVR) added the possibility that the constitution might also be reformed to permit "faceless" judges and prosecutors.

Anti-terror Judges

[1](#)5. (C) Following the CODENA meeting, Supreme Court Chief Justice Ivan Rincon announced that the Court's Judicial

Committee had designated of a group of judges to handle all terrorism cases. The designated Control Judges are Maikel Moreno, Rita Hernandez, and Florencio Silano. Rincon also announced that two Appeals Courts Chambers would review the

decisions in terrorism investigations. All of these judges work in the Caracas judicial district. An assistant to Supreme Court Justice Alejandro Angulo Fontiveros called the designation of the judges "a slap at the autonomy and independence of the judiciary." She asserted that the designation would allow the GOV to "control the whole investigation, so if the police and prosecutor miss something, the judge can cover it."

Prosecutors Reassigned

16. (C) Attorney General Isaias Rodriguez reassigned some of Anderson's most important cases. Luisa Ortega, the prosecutor in the Sumate case, will pursue the investigation against 400 persons linked to the Carmona Decree of April 11, 2002. Ortega has also taken the lead in the investigation of Ivan Simonovis, ex-head of security for the Metropolitan Police, for the deaths on April 11, 2002. Haifa Aissami, a human rights prosecutor, will continue the case against the eight Metropolitan Police officers who have been jailed for over a year on murder charges relating to April 11. Prosecutor Gilberto Landaeta has been placed in charge of the Anderson murder investigation, with the assistance of other prosecutors. These prosecutors have been assigned 24 hour bodyguards. All of these prosecutors have investigated political cases of interest to the GOV in the past.

Comment

17. (C) The GOV is not likely to waste this opportunity to pass an anti-terrorism law that is to its liking and suited to its political needs. The designation of inexperienced but completely loyal judges as "anti-terrorism" judges will guarantee that there is virtually no impartial supervision of how this power is used.
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